

NEW YORK SUN - May 14, 1946

## SAYS COMMANDOS DIDN'T RATE TRIAL

Nuernberg, May 14 (A. P.).—Admiral Gerhard Wagner contended before the International Military Tribunal today that it was "perfectly proper" for the Germans to shoot uniformed British Commandos without trial because "they were saboteurs and criminals and couldn't be considered soldiers."

Col. H. J. Phillimore, assistant British prosecutor, cited to the former German naval operations chief, now on the stand as a defense witness, three instances in which he said captured Commandos were turned over to German Security Policemen who shot them without trial, wired the bodies with demolition charges and sank them in Norwegian waters.

"Do you say that wasn't murder?" Phillimore shouted.

"These people were captured as saboteurs," the witness replied. "They were not soldiers but were criminals. Men who have orders to carry out crimes I cannot consider as soldiers. In total it was perfectly proper."

The tribunal denied requests by Rudolf Hess and Hans Frank who sought permission to establish by an interrogatory submitted to Secretary of War Robert Patterson and Major-Gen. William J. Donovan, former O. S. S. chief, that Hans Bernd Gisevius, an anti-Nazi German, was on the American pay roll as a spy. Gisevius, one of the plotters against Hitler, gave damaging testimony against the defendants in a surprise appearance at the trials. Defense counsel contended that his testimony could be impeached as perjury because he said he never was employed by the Allies but merely worked co-operatively with them.